

REMARKS

Election/Restriction

Claims 230-239, 245-249, 259, 260 and 271-276 have been withdrawn from consideration as being drawn to a non-elected embodiment of the invention. The Applicant has cancelled withdrawn and non-elected claims 230-239, 245-249 and 271-276 without prejudice for possible submission in a continuing application. The Applicant has maintained withdrawn claims 259 and 260 for possible reinstatement following allowance of pending independent base claim 250.

Claim Rejections - 35 USC §112

Claims 241-244 have been rejected under 35 USC §112, second paragraph, as being indefinite "because it is not clear whether the claims depend on either claim 217 or 240". The Applicant has amended claims 241, 243 and 244 to remove reference to claim 217. The Applicant is believed to have fully addressed the claim rejections based on 35 USC §112, second paragraph and respectfully requests withdrawal of the same.

Double Patenting

Claims 217-229, 240-244, 250-258 and 261-270 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over various claims of co-pending U.S. Patent Application No. 09/870,023. The Applicant submits herewith a Terminal Disclaimer to obviate the double patent rejection. Accordingly, withdrawal of the double patenting rejection is respectfully requested. The Applicant notes the indication in the Advisory Action that "the Terminal Disclaimer filed on 12/22/08 was not approved because more than 10 practitioners are listed on the POA/OATH". The Applicant filed a new Power of Attorney with the U.S. Patent and Trademark Office on January 27, 2009. A courtesy copy of the new Power of Attorney and the associated Statement Under 37 CFR 3.73(b) is enclosed herewith. The Applicant submits that the Terminal Disclaimer filed herewith should now be accepted in view of the filing of the new Power of Attorney.

Request for Allowance

The Applicant is believed to have addressed each of the issues set forth in the Office Action. Accordingly, the subject application is submitted to be in condition for allowance, and the Applicant respectfully requests allowance of the same.

CONCLUSION

The Applicant respectfully requests entry of this response to the final Office Action and consideration and allowance of the present application including pending claims 217-229, 240-244 and 250-270. Timely action towards a Notice of Allowability is hereby solicited. The Examiner is encouraged to contact the undersigned by telephone to resolve any outstanding matters concerning the subject application.

Respectfully submitted,

By: 

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